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BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

RE: United States v. Michael Avenatti
19 Cr. 374 (JMF)

Dear Judge Furman:

We write in response to the Court's Order dated July 27, 2021 directing Michael Avenatti to publicly file the CJA-23 form and accompanying affidavit he previously submitted in this case to obtain court-appointed counsel. Dkt. No. 134.

Per the Court's individual rules and practices, the defense submits this cover letter requesting leave to file a redacted version of Mr. Avenatti's affidavit in support of his CJA-23 form, and has attached the redacted version of the affidavit to this letter. Simultaneously, the defense has also submitted directly (and ex parte) to the Court a clean, un-redacted version of the affidavit and a version of the affidavit that has the proposed redactions highlighted in yellow.

Mr. Avenatti respectfully submits that his proposed redactions are narrowly tailored to protect the privacy interests of uninvolved third parties, whose identities are irrelevant to his eligibility for court-appointed counsel and to any other issue in this case. See generally United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995) ("the privacy interests of innocent third parties ... should weigh heavily in a court's balancing equation.") (cleaned up). Indeed, Mr. Avenatti submits that the limited redactions he proposes are necessary to prevent his financial affidavit from being used to needlessly expose others to unwanted public attention and harassment. See id. at 1051 (uninvolved third-party privacy interests present "a venerable common law

exception to the presumption of access”).

Accordingly, the defense respectfully requests that the Court accept our proposed redactions to the affidavit Mr. Avenatti appended to the CJA-23 form that he previously submitted in this case.

Respectfully Submitted,

/s/

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Assistant Federal Defenders

Cc: Government Counsel

Counsel for Michael Avenatti